

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-----------------------------|---|-----------------------------|
| JULIE CARTER, |) | |
| |) | |
| Plaintiff, |) | 4:08CV3085 |
| |) | |
| V. |) | |
| |) | |
| STEPHEN BAILEY, d/b/a/ |) | MEMORANDUM AND ORDER |
| LIFESTYLE, INC., d/b/a/ NEW |) | |
| DEDUCTIONS, INC., d/b/a |) | |
| CREATE A NEW BODY USA, |) | |
| d/b/a/ SERENDIPITY |) | |
| INVESTMENTS, LLC, and KEITH |) | |
| YARBROUGH, |) | |
| |) | |
| Defendants. |) | |
| |) | |

The Clerk of Court filed an entry of default against Defendant Stephen Bailey in this case on January 8, 2009, ([filing 19](#)) for failure to plead or otherwise defend. On February 9, 2009, Plaintiff's counsel filed a motion and affidavit ([filing 20](#)) in which he requests entry of a default judgment and represents that Defendant Bailey is not and was not in the military service of the United States, an infant, or incompetent. Because Plaintiff's complaint does not specify the amount of damages and indicates that some money has been received from Defendant Bailey, Plaintiff must submit an affidavit, including any evidentiary materials, itemizing and setting forth the amount of damages, before the court resolves Plaintiff's motion for default judgment. Accordingly,

IT IS ORDERED:

1. Plaintiff shall submit, within ten (10) days of this order, an affidavit, including any evidentiary materials, itemizing and setting forth the amount of the

judgment that she is requesting be ordered against Defendant Bailey;

2. The Clerk of the United States District Court for the District of Nebraska is directed to mail a copy of this order to Defendant Bailey's last-known address.

March 10, 2009.

BY THE COURT:
s/Richard G. Kopf
United States District Judge